

Amendment in response to
September 27, 2007 Office action

Atty Dkt No.: 2003P19276US
Serial No.: 10/812,553

REMARKS

Claims 1 – 26 remain in the application and stand rejected. Claims 1 – 6, 10 – 12, 15, 16, 20, 24 and 26 are amended herein. Although this amendment is being timely filed, the Commissioner is authorized to charge any fees that may be required for this paper or credit any overpayment to Deposit Account No. 19-2179.

Claim 1 – 6, 10 – 12, 15, 16, 20, 24 and 26 are amended to better recite the invention, and in line with the suggestion in the Office action. The Office action suggests that “[t]he applicant should consider differentiating in the claims, the location of the user compared to the user’s device, along with adding the fact of being simultaneously logged into multiple communication devices that maintain conflicting presence information (i.e. in a meeting/at the gym) in order to overcome the teaching of Murray.” Page 3, #5, second paragraph. While the applicants believe that the claims, as rejected, are not anticipated for the reasons set forth hereinbelow, the claims are amended herein substantially as suggested.

Thus, this amendment directs the claims more to identifying and monitoring user location, as it is indicated by the devices, and identifying inconsistencies with expected user location and presence. This is supported by Figures 1 and 23, the claims and the specification. As previously noted, inconsistencies can be identified “for example, when a MS 106, 108 moves between cells, when a wireless networked device 104 moves between access point 136 coverage areas or, when a user unexpectedly logs on from a terminal 102, 110.” Specification on page 7, lines 25 – 28. Also, claims 6, 10 and 15, for example, are amended not recite that some associated users are associated with more than one communications device. *See, e.g.*, Figure 1. Thus, one may be “simultaneously logged into multiple communication devices that [reflect] conflicting presence ... (i.e. in a meeting/at the gym) ... [overcoming] the teaching of Murray.” None of this is shown or suggested by any reference of record. No new matter is added.

Claims 1 – 26 are rejected under 35 U.S.C. §102(b) as being unpatentable over U.S. Patent No. 6,484,033 to Murray. The rejection is respectfully traversed.

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In responding to the applicant's arguments in the amendment after final, the Office action asserts that "it is noted that the features upon which applicant relies (i.e., 'between events, the device user 68 can be using other devices, traveling to distant locations, even out of the country, unnoticed and unprodded by the Murray application server' Page 9) are not recited in the rejected claim(s)." Page 3, #5, first paragraph (emphasis added). The reason that those features are not recited in the present claims is that they are from Murray, not the present application.

The Office action indirectly acknowledges the differences between the present invention and Murray. Specifically, "it appears to the examiner that the applicant is trying to claim a completely scheduled day, with any deviation requiring a reminder of the inconsistency." *Id.*, #4, second from last sentence. While there is no requirement that any deviation in a scheduled day require a reminder of the inconsistency, any deviation in a scheduled event does. See, e.g., Figure 2. So, if one were to schedule the whole day; an inconsistency could warrant a reminder notification/update.

For example, a user is scheduled to be in a meeting from 1:00 – 2:00pm. If that user sends an e-mail or IM's someone at 1:45, that may be considered inconsistent with being in the meeting. Since monitoring devices identified with the user, effectively monitors the user, the inconsistency indicates that the user isn't where he/she is scheduled to be at that time (not at the time the schedule changes, the time that Murray checks). So, the identity context reminder service monitors the user's "communications devices for current location and presence status and [compares the] current location [the e-mail/IM origination location in this example] and presence status for inconsistencies with an expected location and presence [the meeting in this example and] ... selectively [provides] a reminder to respective communications device" as claim 1 recites. See also, claims 12, 16, 20 and 24.

By contrast, as previously noted, Murray only sends a reminder if the mobile device is at an unexpected location *at the time an event is scheduled to occur*. The Murray application server 76 monitors stored event information and only the occurrence of a scheduled upcoming event (i.e., in anticipation of the event or the actual occurrence of the event) causes action by the Murray application server 76. Col. 10, lines 38 – 46. Between scheduled event times, the

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Murray application server 76 takes no action. *Id*, lines 59 – 65. Between event times, the Murray device user 68 can be doing things that are inconsistent with the schedule, e.g., using other Murray devices, traveling to distant locations, even out of the country, unnoticed and unprodged by the Murray application server 76. Murray does not send an update message as long as the Murray device user 68 is in the correct location at the scheduled time, i.e., “the process proceeds to Step 168.” *Id*, line 46. *See also*, col. 11, lines 1 – 43.

So instead of prospectively monitoring and reacting to a stored schedule, as taught in Murray; the present invention monitors the user devices (and by proxy, the user) for the current user location and presence and reacts to changes in location and presence of the devices that indicate users changing user location. Thus, the present invention as claimed by claims 1 – 26, as rejected and amended, is quite different than the Murray wireless communications system. Therefore, Murray fails to teach, and does not suggest, the present invention as recited in claims 1, 12, 16, 20 and 24. Reconsideration and withdrawal of the rejection of claims 1, 12, 16, 20 and 24 under 35 U.S.C. §102(b) is respectfully requested.

Moreover, dependent claims include all of the differences with the references, as the claims from which they depend. MPEP §2143.03 (“If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).”). Therefore, Murray fails to teach or suggest the present invention as recited by claims 2 – 11, 13 – 15, 17 – 19, 21 – 23, 25 and 26 which depend from claims 1, 12, 16, 20 and 24. Reconsideration and withdrawal of the rejection of claims 2 – 11, 13 – 15, 17 – 19, 21 – 23, 25 and 26 under 35 U.S.C. §102(b) is respectfully requested.

The applicant thanks the Examiner for efforts, both past and present, in examining the application. Believing the application to be in condition for allowance, both for the amendment to the claims and for the reasons set forth above, the applicant respectfully requests that the Examiner enter the amendment, reconsider and withdraw the rejection of claims 1 – 26 under 35 U.S.C. §102(b) and allow the application to issue.

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Should the Examiner believe anything further may be required, the Examiner is requested to contact the undersigned attorney at the telephone number listed below for a telephonic or personal interview to discuss any other changes.

Respectfully submitted,

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(Date)



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